

**REMARKS**

Upon entry of this amendment, claims 1, 2, 4, 6-11, 15-18, 20-22, 25-32, and 35-50 will be pending. Claims 1, 2, 6-10, 15, 20-22, 26, 27, and 30-32 currently amended; claims 35-50 are new; and claims 3, 5, 12-14, 19, 23, 24, 33, and 34 are canceled without prejudice or disclaimer.

The amended and new claims introduce no new matter. Support for amendments to independent claim 1 and dependent claim 2 may be found in the specification at, for example, page 7, line 25 to page 8, line 6; and at page 8, line 15 to page 9, line 2. New independent claim 43 (50, respectively) is a similarly amended copy of independent claim 15 (26, respectively) and is similarly supported in the specification. Independent claims 15 and 26 are amended by adding selected portions of claim 6. New independent claim 35 is a similarly amended copy of independent claim 1. Dependent claims 4, 7-9, 20-22, 27, 30-32 are amended solely to improve form without any narrowing of scope; for example, element labels and "means for" recitations have been deleted. New dependent claims 36-42 and 44-49 are copies of various pending dependent claims. Finally, claims 11, 16-18, 25, 28, and 29 are not currently amended.

In the Office Action, claims 1-35 were rejected under 35 U.S.C. § 112, second paragraph, because the Examiner objected to the use of the word "extrinsic". In view of the present amendment, it is submitted that this rejection is now moot and should be withdrawn.

The Office Action also rejected pending claims 1-34 under 35 U.S.C. § 102(e) as being anticipated by US patent no. 6,085,172 to Junger ("Junger"); and pending claim 35 was rejected under 35 U.S.C. § 103(a) as unpatentable over Junger in view of US patent publication no. 2002/0032612 A1 to Williams et al. ("Williams"). Applicants traverse these rejections because Junger does not disclose each and every element of independent claims 1, 15, 26, 35, 43, and 50, and Williams does not correct the deficiencies of Junger.

Specifically, these references do not disclose or teach, *inter alia*, the two-step return-policy checking that is recited in the independent claims. Claim 1 as amended is reproduced below with the two return-policy checking steps emphasized.

1. A method for a customer to return items supplied by a business establishment to said customer, comprising:

developing a list of items to be returned by checking each of said items to be returned with a return policy of said business establishment and advising said customer of the likely return status of said listed items, said checking being performed by computing devices associated with a customer location that locally store said return policy, said return policy including a dynamic rule that a business condition must be satisfied;

presenting said list of items for processing by said business establishment; and

identifying a confirmation of said items on said list that are authorized by said processing to be returnable and/or any of the items that are not authorized by said processing to be returnable.

Claim 1, and similar independent claims 43 and 50, clearly recite a first checking step during which return policies stored on computing devices local to the customer (210 in Fig. 2) are consulted to determine an item's likely return status.<sup>1</sup> In all cases, however, an item's return status is only definitively determined by further processing on a business establishment's return server (245 in Fig. 2). The separateness of these two policy checking steps is further underlined because the return-policies stored locally to the customer are separate and distinct from the return-policies stored locally to the business establishment since the former are disclosed to be updated from the latter.<sup>2</sup>

Junger does not describe or suggest such two-step return-policy checking. Instead, Junger's system performs a single checking step by a return-approval (or manufacturer-side) computer system.<sup>3</sup> Junger emphasizes a number of times throughout the Detailed Description that it is only the manufacturer-side computer system that approves items for return in a single

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<sup>1</sup> See the specification at, for example, page 8, lines 1-6; and Fig. 2.

<sup>2</sup> See the specification at, for example, page 8, lines 26-28.

<sup>3</sup> See Junger at, for example, col. 2, lines 41-46.

approval processing step.<sup>4</sup> Other computers, in particular the return-side computers, are merely data-entry PCs.<sup>5</sup>

Williams, like Junger, describes a single return-policy checking step performed by solely by the "customer returns subsystem".<sup>6</sup> Although, Williams' total system can be configured into a number of subsystems processed by various computers, common features of the described total system include is a "returns manager subsystem" that provides merchants with an interface to enter their return rules and policies, the "customer returns subsystem" that analyzes and approves requested returns, and a "background processing subsystem" for shipping and tracking.<sup>7</sup> The Detailed Description, despite its length, always clearly discloses that it is only the "customer returns subsystem" using a single "returns policy engine" (although optionally one for each merchant) that performs the single step of approving returns to a merchant.<sup>8</sup>

Accordingly, because neither Junger nor Williams references nor their combination disclose or teach, *inter alia*, the two-step return-policy checking as recited, these references do not anticipate nor make obvious independent claims 1, 35, and 50. For the same reasons the claims dependent on these independent claims, namely claims 2, 4, 6-11, and 43-49 which inherit and include the patentable subject matter of their parents, are also neither anticipated nor made obvious.

Further, independent claims 15, 26, and 35 all include the additional limitation that:<sup>9</sup>

wherein said return policy includes a dynamic rule that one or more conditions selected from the group consisting of a current market

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<sup>4</sup> See Junger also at, for example, col. 5, lines 5-9 and 24-26; col. 6, lines 58-64; and Fig. 3 (illustrating the return approval processing performed only on the manufacturer-side computer system.).

<sup>5</sup> See Junger at, for example, col. 2, lines 55-62; and col. 6, lines 30-38.

<sup>6</sup> See, Williams at, for example, para. 17.

<sup>7</sup> See, Williams at, for example, paras. 17, 19, and 21.

<sup>8</sup> See, Williams at, for example, Figs. 70A-B and 71A-B and accompanying description.

<sup>9</sup> Claim 6 dependent on claim 1 and claim 43 dependent on claim 43 also recite this additional limitation.

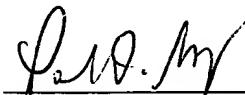
condition, an inventory level, a current demand, a weather condition, a seasonal factor must be satisfied<sup>10</sup>

It is submitted that neither Junger nor Williams nor their combination disclose or suggest, *inter alia*, the underlined policy conditions. A diligent search of these references has not found any mention of such conditions. Indeed, the Examiner has contended that these references disclose only warranty period conditions and return exception conditions for top tier customers, and neither of these contended conditions are part of the recited group of conditions.

Accordingly, independent claims 15, 26, and 35, and their dependents, namely claims 16-18, 20-22, 25, 27-32, and 36-42, which also inherit and include the patentable subject matter of their parents, are also anticipated nor made obvious by Junger and Williams.

In view of the foregoing, Applicants respectfully submit that all the Examiner's objections and rejections have been addressed and that all of the claims in the present application are allowable. Accordingly, Applicants respectfully request that the claims be reconsidered and passed to allowance.

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Date

  
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<sup>10</sup> Claim 35 (emphasis added).